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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,605	04/22/2004	Michael L. O'Banion	0275A-000749	6857

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Harness, Dickey and Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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07/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,605

Applicant(s)

O'BANION ET AL.

Examiner

Omar Flores-Sánchez

Art Unit

3724

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-8, 10-14, 20, 22, 23 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-8, 10-14, 20, 22, 23 and 44-47 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment received on 12/26/07.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5, 10, 11 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (4,206,672) in view Truan et al. (US 2002/0104178 A1).

Smith discloses the invention substantially as claimed including a support structure/riving knife 56, first and second side curtain (66 and 68), a locking member 70, a female snap-fit connector 122 and a male snap-fit connector 96 (see Fig. 7). Smith doesn't show a quick release mechanism having a locking member and a spring. However, Truan et al. teaches the use of a quick release mechanism 54 having a locking member 68 and a spring 56 for the purpose of quickly mounting the tool. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Smith by providing the quick release mechanism having the locking member and the spring as taught by Truan et al. in order to obtain a device that quickly mounts the tool.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (4,206,672) in view Truan et al. (US 2002/0104178 A1) as applied to claim 5 above, and further in view of Sartori (6,578,460 B2).

The modified device of Smith discloses the claimed invention except that pin instead of a screw and a wing nut. Sartori shows that a screw 62 and a wing nut 68 are equivalent structures known in the art. Therefore, because these two locking elements were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the pin for the screw and the wing nut.

4. Claims 7, 8, 12-14, 20 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (4,206,672) in view Truan et al. (US 2002/0104178 A1) as applied to claim 5 above, and further in view of Vogl et al. (3,249,134).

The modified device of Smith discloses the invention substantially as claimed except for the curtains independently move in response to the force applied by a workpiece. However, Vogl et al. teaches the use of the curtains (32 and 35) independently move in response to the force applied by a workpiece for the purpose of fully obstructing accidental hand access to the saw. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Smith by providing the curtains independently move in response to the force applied by a workpiece as taught by Vogl et al. in order to obtain a device that fully obstructs accidental hand access to the saw. The modified device of Smith is capable of performing the intended use of curtains independently removable from the hood assembly.

5. Claims 22, 23, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (4,206,672) in view Truan et al. (US 2002/0104178 A1) and Vogl et al. (3,249,134).

Smith discloses the invention substantially as claimed including a support structure/riving knife 56, first and second side curtain (66 and 68) and a first locking assembly 78. Smith doesn't

show a second locking assembly having a locking member and a spring. However, Truan et al. teaches the use of a second locking assembly 54 having a locking member 68 and a spring 56 for the purpose of quickly mounting the tool. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Smith by providing the second locking assembly having the locking member and the spring as taught by Truan et al. in order to obtain a device that quickly mounts the tool.

The modified device of doesn't show a first locking assembly independently removing the curtains. However, Vogl et al. teaches the use of a first locking assembly (40 and 42) independently removing the curtains for the purpose of fully obstructing accidental hand access to the saw. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Smith by providing the first locking assembly independently removing the curtains as taught by Vogl et al. in order to obtain a device that fully obstructs accidental hand access to the saw. The modified device of Smith is capable of performing the intended use of the curtains independently movable relative to the support structure.

Allowable Subject Matter

6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. F./
Examiner, Art Unit 3724
7/7/2008
/Boyer D. Ashley/
Supervisory Patent Examiner, Art Unit 3724